



Licensing Board
TOWN OF WATERTOWN
ADMINISTRATION BUILDING
149 Main Street
Watertown, Massachusetts 02472

TEL. (617) 972-6486
FAX (617) 972-6595

BOARD MEMBERS
DONNA B. DOUCETTE
GEORGE B. NEWMAN
ROBERT J. WHITNEY

ALTERNATE MEMBER
SANDRA KASABIAN HOFFMAN

Minutes January 15, 2015

1. ACCEPTANCE OF MINUTES: December 18, 2014
2. MJLK, Inc. d/b/a 21 Nickels
21 Nichols Ave.
 - a. Status Hearing Continued from December 18, 2014
3. Royal Restaurant, Inc. d/b/a Royal
45 Lexington Street
New Common Victualler Continued from December 18, 2014
4. Dionysus, LLC d/b/a Dionysus
Kingsbury Avenue
New Common Victualler
Transfer of All Alcohol License
5. Revise Regulation & Fees for Special One Day Liquor Licenses
& One Day Permits issued by the Licensing Board Continued from Dec. 18, 2014
6. Comments by Board Clerk and Police Department

Donna B. Doucette, Chairman

Present: Donna B. Doucette, Sandra Kasabian Hoffman

Board chairman Doucette announced to the applicants that because of illness and a board member's resignation there would only be two members voting and if there were a tie the application would not be approved. As a result she offered the applicants the option to be heard this evening or to request a continuance to the next hearing. All chose to be heard this evening.

1. Minutes from the December 18, 2014 hearing were approved 3-0 by the Licensing Board.
2. MJLK, Inc.
d/b/a 21 Nickels
c/o Michael J. Moran
67 Burton Street
Brighton, MA 02135

The Watertown Licensing Board held a continued session of a show cause hearing on the matter of the closure of your premises at 21 Nichols Avenue licensed for all alcohol common victualler service and your failure to comply with the conditions of the Board's approval of that closure. The matter had been continued from June 20, July 18, August 15, September 19, October 17, November 21, December 19, 2013, and January 16, February 20, March 20, April 17, May 15, June 19, July 17, September 18, October 16, November 20, and December 18, 2014, and the proceedings from the sessions held on those dates are described in the Board's Notices of Action and Continuance dated July 10, August 7, August 23, October 4, November 1, December 2, 2013, January 7, January 31, March 10, April 9, May 7, May 27, July 2, August 5, October 6, November 4, and December 4, 2014 and January 5, 2015.

Attorney Paul Rufo appeared on behalf of the licensee, together with Michael Moran, president and manager. Attorney Rufo stated that as of late afternoon that day a certificate of occupancy had been issued for the licensed premises, and the licensee may now make arrangements for delivery of alcohol to the restaurant. He noted that there had been a plumbing issue precluding issuance of an occupancy certificate earlier, but that it had been addressed earlier in the day. For code compliance purposes, the re-opening of the premises has been treated as a new opening on account of the extended closure period.

Mr. Moran explained that December had been a difficult month for inspections, with the plumbing inspector out on parental leave. He stated he delivered a copy of the certificate of occupancy to the Town Clerk's office earlier in the day and the license for the premises was then printed. The restaurant will be ready to serve customers on Saturday, January 17. He added that he had not anticipated the requirement of hard wired smoke detectors for the fire protection system.

The Board concurred in finding that there had been substantial compliance with the condition stated in its January 5, 2015 Notice of Action and Continuance that the premises be in operation by January 15, 2015, and noted that on account of the extended closure of the premises the all alcohol common victualler license is now a 6-day license (as stated in the Licensing Board's August 4, 2014 Notice of Action in the show Cause Hearing on Failure to Comply with Rules and Regulations of Watertown Licensing Board).

The Licensing Board also voted to continue the show cause matter to March 19, 2015 for a final determination and a report on the status of operations. The continued hearing will be held at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

2. Royal Restaurant, Inc.
d/b/a Royal Restaurant
c/o Rim Kourda, president
33 Parsons Street
West Newton, MA 02465

The Watertown Licensing Board met to consider the application of Royal Restaurant, Inc. d/b/a Royal Restaurant for a common victualler license to be exercised at 45 Lexington Street.

Yousaf Rahman, vice president, and Rachid Kourda, chef, appeared in support of the application. Mr. Rahman introduced himself as a Babson College student and explained that his family operated a restaurant in his native Pakistan. Royal Restaurant will offer dine-in and delivery service. Rim Kourda, who is Rachid Kourda's sister, will have a 20% interest in the business. Rachid Kourda stated he has 15 years' experience in the restaurant business, including as a chef and general manager, and in delivery operations.

A resident of 51 Lexington Street stated her concern regarding a 7-days per week operation running from 6:00 a.m. to 1:00 a.m. and the effects of traffic, noise and vehicles parking for take-out service. In particular, she noted a concern regarding vehicles using her driveway. In response to questions from the Board, Mr. Rahman stated that the restaurant's delivery vehicle would park on the street for food pick-up and then leave the area. He confirmed that the doors would close at 11:00 p.m.; after that, only delivery service will be available. Mr. Rahman anticipates one to two delivery drivers at the start of the restaurant operation. Rachid Kourda stated it was expected that it would take three to four months to get the delivery operation going.

Rachid Kourda added that the restaurant will be a farm-to-table type business, with product shopping/sourcing on a daily basis. Bakery products will be left at the restaurant daily, in the early morning. The restaurant will not be using large vendor suppliers.

The Health Department reported that the applicant has contacted the department and is engaged in the food service establishment plan review application process for a food establishment permit.

Sergeant Grady stated that the Police Department had no objection to the granting of the requested license, provided that the conditions stated below were imposed.

Board chairman Doucette cautioned the applicant regarding impacts of the restaurant on the neighborhood, stating that there could be a show cause hearing if complaints are made.

The Licensing Board voted unanimously to grant the requested license, subject to the following conditions:

1. The hours of operation shall be 6:00 a.m. to 11:00 p.m. Sunday through Saturday, and 11:00 p.m. to 1:00 a.m. on those days for delivery service only.
2. The licensed premises will contain approximately 1,200 square feet, with seating for 48 persons, as shown on the floor plan diagram submitted, and received in the office of the Town Clerk on October 1, 2014.
3. There shall be no alcoholic beverages on the licensed premises.

3. Dionysus, LLC
d/b/a Dionysus
311 Arsenal Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Dionysus, LLC d/b/a Dionysus for a common victualler license to be exercised at Kingsbury Avenue on the Watertown Arsenal campus and for a transfer to it of the all alcohol common victualler license held by SMAT, Inc. d/b/a Grappa for prior exercise at 71 Elm Street.

Attorney Kristen Scanlon appeared in support of the application, together with Bridger McGaw of athenahealth, the designated manager of record, and Jacob Scott, corporate counsel for athenahealth, Inc. Attorney Scanlon explained that the requested transfer is part of the overall master plan for the Arsenal campus, which is world headquarters for athenahealth. The concept is to expand on the retail offerings at the campus. The proposed restaurant will be a full service, family style operation, with seating for 131, including 29 seats at the bar. The applicant will look to another entity to assist with management operations.

Mr. McGaw stated that the area in question has not been a retail space for over a decade. It is adjacent to spaces occupied by anchor tenants, including restaurants Casa de Pedro and Panera, and the Arsenal Center for the Arts. Athenahealth is focusing on the middle portion of the Arsenal campus as a gathering place. The southern end will be anchored by the farmers' market, which began last year and will return in the spring. The master plan intent is to open up the campus, including an amphitheater space for outdoor performances. Some ground floor space in the parking garage structure housing the proposed restaurant space will be used for 'back of the house' operations. The abutting roadway will be re-aligned, but the existing street parking will not be eliminated. Mr. McGaw stated that the project is budgeted to be built this year.

Board chairman Doucette commented that the long lead time aspect of the project could raise an issue at the time of license renewal in December. It was noted that the applicant would need to show progress on the project and a more specific time line if the restaurant were not yet in operation.

The Health Department reported that the applicant has not yet contacted the department regarding the common victualler operation. The applicant must comply with the food service establishment plan review process prior to receiving approval for construction and operation.

Sergeant Grady stated that the Police Department had no objection to the granting of the requested license, provided that the conditions stated in items 1 through 4 above were imposed.

The Licensing Board voted unanimously to grant the requested license and approve the requested transfer of license, subject to the following conditions:

1. The hours of operation shall be 11:00 a.m. to 1:00 a.m. Monday through Sunday, with no alcoholic beverages to be served on Sundays.
2. The licensed premises will contain approximately 5,125 square feet, with seating for 29 persons at the bar and 102 persons in the dining area, as shown on the plan submitted ("Kingsbury Ave Restaurant Floor Plan," dated November 14, 2014 by Beals Associates).

3. The manager and all servers shall attend and successfully complete an alcohol awareness training program (e.g., TIPS) within 90 days of hire or expiration of certification.
4. Copies of all alcohol awareness training certificates shall be forwarded to the Town Clerk's office.
5. The Licensing Board will conduct a status hearing at its September meeting, September 17, for a report on the progress of preparing the premises for restaurant operations.
5. Revise Regulation & Fees for Special One Day Liquor Licenses & One Day Permits Issued by the Licensing Board

The Board approved a draft of changes in procedures for processing the one-day permits. The draft will be circulated to various departments for comments. Discussion will continue in March, with a possible final vote on adopting changes.